

09/317,312
Art Unit 2662
Docket 7941

CONT
A'
least some computers in said group.

REMARKS

A Summary of Argument Appears Immediately Below

This Amendment is submitted in response to the Office Action mailed on August 20, 2002. Claims 1 - 10 are pending. Dependent claims 11 - 18 have been added. No fee is due.

Summary of Argument

The Office Action asserts that, in Glaser, when one party to a computer video conference scrolls through a document, scrolling occurs in the documents displayed to other parties. For example, the Office Action asserts that, if a party places a mouse-cursor over scroll bars 62 or 64 in Glaser's Figure 2, to perform scrolling, that similar mouse-cursors are placed over scroll bars in other computers, and scrolling in the other computers is thereby induced.

Copying of Cursor when Placed over Scroll Bar
Would be Required in Glaser

That is a Necessary Condition

Glaser Does not do That

However, Glaser discusses (1) copying of mouse-cursors and (2) only when they are within the whiteboard area 60. He does not copy

09/317,312
Art Unit 2662
Docket 7941

cursors when present on the scroll bars.

This conclusion is supported by the fact that the copying is done through "relative" cursor coordinates, which are "relative" to the whiteboard 60 (as opposed to being "absolute" with respect to the overall display). Thus, if the scrolling person's cursor moves outside the whiteboard 60, the copied cursors disappear. This disappearance is shown in Glaser's Figure 5, wherein the dashed lines lead to (disappeared) mouse-cursors. NO!

If a cursor were copied when placed over a scroll bar 62 or 64 in Glaser's Figure 2, then the dashed lines leading to the cursor would also be copied at those locations. The dashed lines in Glaser's Figure 5 would **extend over those scroll bars**. They do not.

Thus, the operation of Glaser postulated by the PTO requires copying of Glaser's cursors, when a user places a cursor over a scroll bar. That does not happen.

Copying of Cursor-over-Scroll-Bar is Necessary Condition
But not a SUFFICIENT Condition

A Mouse Click Must Also be Delivered to the
Copying Computers

Glaser does not do That

Merely placing a cursor over scroll bar 62 or 64 in Glaser's Figure 2 does not, by itself, cause scrolling. A mouse-button must be pressed in addition, by the person requesting the scrolling.

09/317,312
Art Unit 2662
Docket 7941

A similar mouse-button must be activated in the computer to which the cursor is copied. Otherwise, the only event occurring is that a copy of a cursor is placed over a scroll bar.

That, by itself, is insufficient to cause scrolling.

Glaser's Figure 13 illustrates steps taken by the recipient computer. His Figure 13 does not contain a mouse-button execution step. Thus, even if Glaser copies a mouse-cursor over a scroll bar 62 or 64 (which he does not), he does not accompany that copy with a button-press, issued to the recipient computer. Consequently, scrolling does not occur in that computer.

PTO's Postulated Operation of Glaser Causes
Impossible Situations

If the operation postulated by the PTO occurred in Glaser, impossible situations would arise. Suppose one party scrolls his own display "up." Supposed another party scrolls his display "down." What happens under the PTO's postulated operation? How can both displays go "up" and "down" at the same time?

The answer is that nothing happens, because the PTO's operation does not occur in Glaser.

And Glaser does not discuss it. Glaser only discusses copying of cursors found in his whiteboard area 60, if a mouse-button is pressed.

End Summary

09/317,312
Art Unit 2662
Docket 7941

Response to 102 - Rejections

Claims 1, 2, and 4 - 7 were rejected on grounds of anticipation, based on Glaser. Glaser will be described.

Characterization of Glaser Reference

Glaser shows a conference between three persons, using three workstations, at three different locations. Figure 2 illustrates a display seen by all persons. At this time, no person has pressed a button on a mouse. (Column 2, lines 57 - 60.)

Figure 3 illustrates the display seen by the first person, when that person moves a mouse-cursor into the "work area 60." Figure 4 illustrates the displays seen by the other two persons, at this time.

An Aside

Applicant points out that Glaser seems to be inconsistent here. He does not state that the first person has pressed the mouse button. Nevertheless, he states that arrows are generated on the displays of the other two persons. (See column 4, line 60 - column 5, line 9.) At other locations, he states that the first person's mouse cursor is only copied when the button is pressed. (See top of column 7.)

Perhaps Glaser forgot to state that the button is pressed.

09/317,312
Art Unit 2662
Docket 7941

This conclusion is supported by his statement in column 5, lines 10 - 13, which states that ". . . the first user **CONTINUES** pressing his mouse button . . ." Therefore, it will be assumed that the cursor is copied to the other displays only when the mouse button is pressed.

End Aside

Figure 5 shows the displays of the other two persons, when the first person moves his mouse, while the button is pressed. (Column 5, lines 10 - 20.) The dashed lines point to the mouse-cursor, which is not visible.

Significantly, the mouse-cursor is **outside** the whiteboard area 60, and it is not shown. This leads to the conclusion that only mouse-cursors within the whiteboard area 60 are copied to the other displays.

Figure 6 illustrates the display of the second person, when the other two persons pressed their mouse-buttons. Two mouse-cursors are present. (Column 5, lines 21 - 29.)

Several significant features of Glaser are the following.

ONE. As stated above, he only copies cursors present in the whiteboard area 60. (See truncated dashed lines in Figure 5 and column 6, lines 52 - 55.) This is supported by his flow chart, wherein decision block 204 in Figure 11 inquires whether the cursor is within the whiteboard area 60. If not, nothing happens: the

09/317,312
Art Unit 2662
Docket 7941

logic returns to block 202, and idles in a loop between blocks 202 and 204.

Thus, if a cursor is placed within scroll bar 62 or 64 in Figure 2, it is not copied, because those scroll bars lie outside whiteboard area 60.

TWO. It could be argued that the last statement is incorrect, on the grounds that Glaser states that the scroll bars 62 and 64 are located at the "edges" of the whiteboard area 60. (Column 4, lines 50 - 53.) However, the main reason that this argument is incorrect is that it would lead to an **impossible mode of operation** in Glaser.

Assume that the first party placed his cursor over the "up" arrow in scroll bar 62 in Glaser's Figure 2. Assume that the second party placed his cursor over the "down" arrow in that same scroll bar (but on the second party's display). Assume that both parties then press the mouse-buttons.

What happens ?

Does the whiteboard scroll "down" or "up" on all parties' screens ? Plainly, neither happens. The first party's whiteboard scrolls "up," the second party's whiteboard scrolls "down," and the third party's screen does nothing.

This is consistent with Glaser's overall philosophy. His intent is to display other parties' cursors. His intent **IS NOT** to give parties control over **other parties'** computers.

09/317,312
Art Unit 2662
Docket 7941

Therefore, Glaser does not allow one party to scroll another party's display.

-- That would lead to impossible situations,
as just explained.

-- That is inconsistent with Glaser's basic
operation, which is to "share" cursor
visibility, not to share control.

(See Glaser's Summary of Invention, first paragraph. Also, Glaser's flow charts of FIGures 11 - 13 discuss only displaying cursors, and not issuing commands by actuating buttons. Scroll bars are buttons.)

THREE. Merely placing a cursor over a scroll bar is insufficient to induce scrolling. A mouse-button is required.

Glaser's Figure 13, which describes the operations of his recipient computers, to which the cursors are copied, discusses no mouse-button issued to the recipient computers.

Thus, even if cursors are copied over scroll bars, they do not **operate** the scroll bars.

FOUR. Glaser only shares **relative** mouse coordinates. They are **relative** as to the whiteboard area 60. Thus, if a party's mouse-cursor makes an exit from the whiteboard area 60, the cursor disappears, although the last coordinate while within the whiteboard area would allow drawing of the dashed line in Figure 5. (See column 7, lines 43 - 45.)

Interim Conclusion

Therefore, Applicant submits that Glaser only replicates mouse-cursors which are within his whiteboard area 60. If one party moves a mouse with the button pressed, a moving mouse-cursor appears on the other parties' displays. (Column 7, lines 43 - 45.)

If the party moves the mouse outside the whiteboard area, the mouse-cursors on the other displays disappear. (See dashed lines in Figure 5.) One reason is that **relative** mouse coordinates are transferred. "Relative" within the whiteboard area 60.

Glaser's scroll bars 62 and 64 are outside the whiteboard area. Even if one party moves his own mouse-cursor over his own scroll bar, the copies of that cursor then disappear on the other displays. This is illustrated by the dashed lines in Glaser's Figure 5.

If one party could place a cursor onto another's scroll bar, then the dashed lines in Glaser's Figure 5 would cross the scroll bars 62 and 64, and terminate at the **outer** edges of the scroll bars, not the **inner** edges as shown. This illustrates that Glaser's scroll bars 62 and 64 are **not within** his whiteboard area 60.

Further, if, in Glaser, one party could move a mouse-cursor over another party's scroll bar, impossible situations would arise. As explained above, suppose one party tried to scroll "up," and another party tried to scroll "down." What happens ?

09/317,312
Art Unit 2662
Docket 7941

In conclusion, since one party cannot place a mouse-cursor over another party's scroll bar, one party cannot scroll another party's computer. That is consistent with Glaser, who is concerned with **display** of cursors only.

End Glaser Characterization

Claim 1 recites:

1. In a conference among multiple computers which are operated by participants, the improvement comprising the following steps:

- a) detecting, in one computer, the occurrence of scrolling through a document;
- b) when said scrolling terminates, ascertaining which part of the document is being displayed by said computer; and
- c) after said ascertainment, transmitting to other computers data which enables them to display said part of the document.

Claim 1(a) recites detection of "scrolling through a document." Glaser fails to show "scrolling." MPEP § 2131 states:

A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Instead of showing scrolling, Glaser discusses

- 1) movement of a mouse-cursor over a

09/317,312
Art Unit 2662
Docket 7941

whiteboard 60 on one computer's display and
2) if the movement is accompanied by pressing
of a mouse-button, copies of the moving cursor
are generated on the other computers, but only
within whiteboard 60.

To repeat: Glaser "observes" one party moving a mouse-cursor
and, **IF THE MOUSE BUTTON IS DEPRESSED**, replicates the movement on
the other computers. In addition, Glaser draws a line from the
picture of the person who moved the mouse, to the mouse-cursor on
the screens. (Column 3, lines 33 - 37.) This allows everybody to
see who moved the mouse-cursor. (See Figure 5.)

Significantly, this replication **ONLY OCCURS WHEN THE MOUSE
CURSOR IS POSITIONED OVER THE WHITEBOARD 60**. (Column 6, lines 52 -
54; column 7, bottom - column 8, top; column 9, line 48.) But the
whiteboard does not cover the entire computer screen.

Therefore, Glaser does not replicate "scrolling." He only
replicates mouse-cursor movements within whiteboard 60, and only
if the mouse-button is depressed. Replication of scrolling would
require replication of mouse-cursors over Glaser's scroll bars 62
and 64, which does not occur.

Further, as explained above, if one party in Glaser could
scroll another's display, impossible conflicts could arise. Those
would render Glaser inoperative. For a reference to be
anticipatory under section 102, the reference must be enabling.

09/317,312
Art Unit 2662
Docket 7941

(See Patents by D. Chisum, sections 3.06(1)(a) and 304(1).)

For example, supposed one party saw his display scrolling, and moved his own cursor over the scroll bar to stop it. What would happen ?

Still further, scrolling in Glaser is contrary to Glaser's own goals. Glaser's Summary states that his invention allows all conference participants to see the mouse-cursors of the others. His Figure 8 illustrates two such cursors, seen by Party A.

Suppose that Party B scrolls the display of Party A. The cursors of Figure 8 will disappear, as will the "30%" and "5%" to which the cursors point. The reason is that both the "30%" and the "5%" disappear.

Glaser teaches against that.

The preceding applies to claims 2 and 4 - 7.

Response to Obviousness-Rejections

Claims 3 and 8 - 10 were rejected as obvious, based on Glaser and Furst.

Claim 3

Claim 3 recites:

3. Improvement according to claim 1, wherein the data enables the other computers to navigate to said part of the document, without scrolling.

09/317,312
Art Unit 2662
Docket 7941

"NAVIGATING," AS DEFINED BY APPLICANT,
NOT SHOWN IN FURST,
ONLY WORD "NAVIGATE"

The Specification, near the end, in "Additional Consideration" number 1, draws a distinction between "scrolling" and "navigating." Claim 3 recites "navigating."

Applicant points out that the definitions contained therein are Applicant's own. The mere fact that Furst uses the word "navigate" does not mean that Furst shows the operation recited in claim 3, as defined by Applicant. Therefore, the PTO has not shown the "navigation" as defined by Applicant within Furst.

REFERENCES ARE CONTRADICTORY

The PTO is combining contrary references. Glaser is cited to show "scrolling." (Which he does not show.) Furst is cited to show "navigating."

But claim 3 recites "navigating" without "scrolling.". Glaser is thus contrary to claim 3. Contrary references cannot be combined.

NO TEACHING GIVEN

No teaching has been given for combining the references. The rationale given is that

09/317,312
Art Unit 2662
Docket 7941

. . . [adding the] navigation and web loading of Furst to . . . Glaser [increases] the system speed and [adds] more information sources.

(Office Action, page 4.)

However, this rationale does not qualify as a teaching under section 103 for several reasons.

Reason 1

One is that the rationale is a naked conclusion, supported by no evidence. That is, no evidence has been cited showing that "system speed" is increased, and "more information sources" are added.

In fact, these two factors (increased speed and more information) would seem to be contradictory. For a given system, if you want to increase the amount of information transferred, you will **reduce** "system speed." One reason is that the processor(s) in the system can only execute a limited number of instructions per second. If you devote those instructions to information transfer, they you remove instructions available for other tasks, thereby reducing "system speed."

Reason 2

A second reason is that the addition of Furst to Glaser would actually **decrease** the speed of Glaser's system. With Furst's

09/317,312
Art Unit 2662
Docket 7941

"navigation," Glaser's computers must now perform "navigation" in addition to their usual tasks. Speed will decrease.

Reason 3

A third reason is that no teaching in Glaser of a desire for both increased system speed and greater information has been shown.

Reason 4

A fourth reason is that the rationale merely sets forth two supposed characteristics of the combination of references, but **after making the combination**. A teaching in favor of making the combination in the first place is required.

Reason 5

A fifth reason is that the rationale does not follow the CAFC's decision of In re Dembiczak, 175 F. 3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999).

In brief, Dembiczak states that

- **objective evidence** of a teaching for combining references must be provided;
- the Examiner's speculation does not qualify as objective evidence;
- numerous sources can provide a teaching to combine references;

09/317,312
Art Unit 2662
Docket 7941

- knowledge of one skilled in the art can act as a source;
- however, THE RANGE OF SOURCES AVAILABLE DOES NOT DIMINISH THE REQUIREMENT FOR ACTUAL EVIDENCE;
- broad conclusory statements by the Examiner do not qualify as evidence; and
- "particular factual findings" as to the teaching are required, and gives reasons why **facts** are necessary.

The rationale has failed to set forth facts, or objective evidence, in the prior art.

The preceding comments on the rationale for combining the references apply to claims 8 - 10.

Request for Identification

Applicant requests, under 37 CFR §§ 1.104(c)(2) and 35 U.S.C. § 132, that the PTO specifically identify "the data" of claim 3 in the combined references.

Claim 8

The PTO asserts that Glaser shows claim 8. (Office Action, bottom of page 3.) That is not correct. Claim 8 recites:

09/317,312
Art Unit 2662
Docket 7941

8. A method of operating a group of computers, comprising the following steps:

- a) loading a common document into the computers;
- b) detecting scrolling at a first computer, which causes a displayed image to scroll from a first position within the document, through intermediate positions within the document, to a final position within a document; and
- b) transmitting information to other computers which are currently displaying the first position of the document, which causes the other computers to display said final position within the document, without displaying intermediate positions.

MPEP § 2143.03 states:

To establish prima facie obviousness . . . **all the claim limitations** must be taught or suggested by the prior art.

Applicant requests that the "scrolling" of claim 8(b) be identified in Glaser, and its detection. Applicant also requests that the jumping from the first position to the last position, without displaying the intermediate positions, be identified.

Claims 9 and 10

Claims 9 and 10 are seen as patentable, based on their parents.

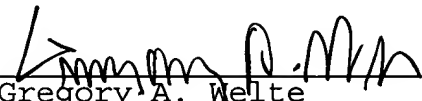
Conclusion

09/317,312
Art Unit 2662
Docket 7941

Applicant requests that the rejections to the claims be reconsidered and withdrawn.

Applicant expresses thanks to the Examiner for the careful consideration given to this case.

Respectfully submitted,


Gregory A. Welte
Reg. No. 30,434

NCR Corporation
1700 South Patterson Blvd.
WHQ - 4W
Dayton, OH 45479
May 3, 1998
(937) 445 - 4956